UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ESTATE OF SUANNE BARDZELL, Plaintiff, v. BOROUGH OF MIDLAND PARK, MIDLAND PARK POLICE DEPARTMENT, ITS OFFICERS, SERVANTS, AGENTS, ASSIGNEES DELEGATES, AND/OR EMPLOYEES JOHN/JANE DOE(S), MIDLAND PARK BOROUGH OFFICIALS AND/OR POLICE OFFICERS (1-15) (Fictitious names intending to designate the Midland Park Borough and Midland Park Police Department employee(s) and/or officer(s)responsible for causing Plaintiff's cause OF action and damages/ injuries), ABC CORPORATION(S) AND PUBLIC ENTITIES (1-5) (Fictitious name intending to designate the entity or entities responsible for causing Plaintiff's cause of action and injuries), ABC CORPORATION OR ENTITIES, DIRECTORS, OFFICERS, SERVANTS, AGENTS, AND/OR EMPLOYEES, JOHN/JANE DOE(S) 1-10, ARTHUR LOMANDO, XYZ HOSPITALS (1-10) and JOHN DOES, MD (1-10) Defendants.	Civil Action No. 2:17-cv-01877-WJM-MF Hon. Mark Falk, U.S.M.J. JOINT PROPOSED DISCOVERY PLAN

1. Set forth the name of each attorney appearing, the firm name, address, and telephone number and facsimile number of each, designating the party represented.

Attorneys for the Plaintiff, Estate of Suzanne Bardzell:
Lawrence H. Kleiner, Esq.
Eric V. Kleiner, Esq.
Lawrence H. Kleiner, LLC
294 Harrington Avenue, Ste. 4
Closter, NJ 07624
Tel: (201)784-5444
Fax: (201)297-7081
Email: lkleiner@kleinerlaw-nj.com
erickleiner@verizon.net

Attorneys for the Defendant, Borough of Midland Park and Midland Park Police Department:
Thomas B. Hanrahan, Esq.
Hanrahan Pack, LLC
80 Grand Avenue, Suite 2
River Edge, NJ 07661
Tel: (201) 525-1011
Fax: (201) 525-1876
Email: thanrahan@hanrahanpacklaw.com

2. Set forth a brief description of the case, including the causes of action and defenses asserted:

Wrongful death; violation of Federal Civil Rights Act and New Jersey Civil Rights Act.

3. Have settlement discussions taken place?

Yes_____ No___X_____

a. What was Plaintiff's last demand?

Not applicable.

b. What was Defendant's last offer?

Not applicable.

4. The parties **have** met pursuant to Fed. R. Civ. P.

5. The parties **have not** exchanged the information required by Fed. R. Civ. P. 26(a)(1). If not, state the reason therefor:

Midland Park Defendants have exchanged the information required by Fed. R. Civ. P. 26(a)(1); and Plaintiffs will provide same by December 15, 2017.

The parties need to request the production of the Bergen County Prosecutors' file, which may be problematic as the criminal matter is still pending.

6. Explain any problems in connection with completing the disclosures required by Fed. R. Civ. P. 26(a)(1):

As the underlying criminal matter is awaiting trial, the Bergen County Prosecutors' Office will most likely not release a copy of its file for civil discovery until the conclusion of the criminal matter.

7. The parties **have not** conducted discovery other than the above disclosures. If so, describe.

8. Proposed joint discovery plan:

a. Discovery is needed on the following subjects:

b. Discovery **should not** be conducted in phases or be limited to particular issues. Explain:

c. Proposed schedule:

(1) Fed. R. Civ. P. 26 Disclosures: December 31, 2017.

(2) E-Discovery conference pursuant to L. Civ. R. 26.1(d).

(3) Service of initial written discovery: January 15, 2018.

(4) Maximum of 30 Interrogatories by each party to each other party.

(5) Maximum of 5 depositions to be taken by each party.

(6) Motions to amend or to add parties to be filed by March 15, 2018.

(7) Factual discovery to be completed by July 1, 2018.

(8) Plaintiff's expert report due on October 1, 2018.

(9) Defendant's expert report due on November 1, 2018.

(10) Expert depositions to be completed by February 1, 2019.

(11) Dispositive motions to be served within 21 days of completion of discovery.

d. Set forth any special discovery mechanism or procedure requested: None.

e. A pre-trial conference may take place on:

f. Trial date: _____ (___Jury ____Non-Jury)

9. Do you anticipate any special discovery needs (i.e., videotape/telephone depositions, problems with out-of-state witnesses or documents, etc.)? Yes__X___ No_____

If so, please explain:

Deposition of incarcerated Defendant, Arthur Lomando.

10. Do you anticipate any issues about disclosure or discovery of electronically stored information, including the form or forms in which it should be produced? Yes_X_ No___

If so, how will electronic discovery or data be disclosed or produced? Describe any agreements reached by the parties regarding same, including costs of discovery, production, related software, licensing agreements, etc.:

Bergen County Prosecutors' Office, issues due to ongoing prosecution of incarcerated Defendant.

11. Do you anticipate the entry of a Discovery Confidentiality Order? See L.Civ.R. 5.3(b) and Appendix S.

Yes__X____ No_____

12. Do you anticipate any discovery problem(s) not listed above? Describe. Yes_____ No__X____

13. State whether this case is appropriate for voluntary arbitration (pursuant to Local Civil Rule 201.1 or otherwise) or mediation (pursuant to Local Civil Rule 301.1 or otherwise). If not, explain why and state whether any such procedure may be appropriate at a later time (i.e., after exchange of pretrial disclosures, after completion of depositions, after disposition, or dispositive motions, etc.).

Yes__X____ No_____

The parties have agreed to attend mediation, and have selected a mediator.

14. Is this case appropriate for bifurcation?

Yes_____ No__X____

15. An interim status/settlement conference (with clients in attendance), should be held in: Not applicable.

16. We **do not** consent to the trial being conducted by a Magistrate Judge.

17. Identify any other issues to address at the Rule 16 Scheduling Conference:

/s/ Lawrence H. Kleiner
Lawrence H. Kleiner, Esq.,

/s/ Eric V. Kleiner
Eric V. Kleiner, Esq.,
Attorneys for Plaintiff,
Estate of Suzanne Bardzell

Thomas B. Hanrahan
Thomas B. Hanrahan, Esq.,
Attorney for Defendants,
Borough of Midland Park
and Midland Park Police
Department